NetRatings, Inc. v. WebTrends, Inc.
Case No. 06-CV-1420-HA

CLAIM CONSTRUCTION CHART

TABLE 1

CLAIM TERMS FROM U.S. PATENT NOS. 5,675,510 ("'510 patent") AND 6,115,680 ("'680 patent")

No.	Asserted U.S. Patent(s) Nos. and Claims[1]	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
1.	5,675,510 [1, 2]; 6,115,680 [1, 3, 12]	local computer use meter / user meter	a software program designed to collect information regarding the use of other software programs on a computer on which the software program is installed	A stand-alone computer program that is capable of measuring the usage of any other application programs that are running on a computer system by intercepting the message traffic of those other programs.
2.	5,675,510 [1]; 6,115,680 [1, 12]	installed in user computer machines	placed on and ready for use by a user computer	Permanently placed by a user on a hard drive or other permanent storage of a personal computer, and able to run whenever the personal computer is in use, until uninstalled by a user.
3.	5,675,510 [1, 11]; 6,115,680 [1, 4, 12, 15]	log/log of predetermined [machine operation] events	**log:** a record **log of predetermined [machine operation] events:** a record of data regarding the occurrence of preselected potential events [related to machine operations]	**Log:** A file designed to contain multiple records of events occurring over a period of time. **Log of predetermined [machine operation] events:** A log containing multiple records of events selected in advance for inclusion in the log.
4.	6,115,680 [1, 3, 4, 12, 14, 15]	events	occurrences or actions detectable by a computer	"Events" and "machine operation events" have the same meaning: Messages generated by an operating system in response to user actions performed on the computer.
5.	5,675,510 [1, 9, 11]	machine operation events	events relating to operations performed on the computer	*See* No. 4

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[1] Claims in which the term to be construed appear are listed in brackets following the patent number.

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No.	Asserted U.S. Patent(s) Nos. and Claims[1]	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
6.	6,115,680 [12]	logging predetermined events by a plurality of local computer use meters	two or more local computer use meters recording data regarding the occurrence of pre-selected potential events	Each of a plurality of local computer use meters must store a plurality of events, selected in advance, in a log.
7.	5,675,510 [1]	stored in memory of said computer machines	placed in memory of the user computer on which the local computer use meter is installed	The log file is written to a computer hard drive or other permanent storage of the user computer machine that is running the local computer use meter.
8.	6,115,680 [1]	stored in an associated user computer machine	placed in memory or on a mass storage device in the user computer	The log file is written to the hard drive or other permanent storage of the user computer machine that is running the local computer use meter.
9.	5,675,510 [11]	storing each of the events in said log in the local computer memory of said user computer systems	placing each of the events in the log in memory of the user computer on which the local computer use meter is installed	Copying [the events in] a previously created log file into a different storage location of the user computer on which the log was created
10.	6,115,680 [12]	storing said log of predetermined events by each use meter in an associated user computer machine	placing the log of predetermined events logged by each use meter in the user computer	*See* No. 9
11.	5,675,510 [1]	identify titles of open windows and reflects a log of titles of worldwide web pages	**identify titles of open windows:** contains characters identifying open windows **reflects a log of titles of world wide web pages:** reflects a record of characters useful in identifying world wide web pages	The log contains the titles, as displayed in the title bar, of at least two open windows and of at least two world-wide web pages.
12.	5,675,510 [11]	identify titles of windows and world wide web pages	contain characters identifying windows and world wide web pages	The log contains (1) the full displayed titles of at least two open windows that were displayed on the user computer system, as those titles appeared in the window's title bar, and (2) the information contained in the HTML <TITLE> tag of at least two world wide web pages.

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No.	Asserted U.S. Patent(s) Nos. and Claims[1]	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
13.	5,675,510 [9, 11]	dictionary/ dictionary file	**dictionary:** a database or file containing entries used to interpret or correlate data **dictionary file:** a file containing entries used to interpret or correlate data	A file used to interpret raw data provided by event log files.
14.	5,675,510 [11]	correlates said titles to identifiable labels	correlates titles to labels identifiable for reporting	The limitation is indefinite because the meaning of "identifiable labels" cannot be determined from the claim language or a reading of the '510 patent specification.
15.	5,675,510 [11]	generating a log of machine operation events in each of a plurality of user computer systems	generating a log of machine operation events in each user computer system of a group of more than one user computer systems	Generating, at each user computer system in a group of at least two such systems, a log of the machine operation events that occurred in that user computer system.
16.	5,675,510 [11]	transferring said stored events from said plurality of user computer systems to a processing station computer	transferring the stored machine operation events from each user computer system to a processing station computer	Transferring, from each user computer system to a processing station computer, the multiple records of events contained in the log of machine operation events previously stored on that user computer system.
17.	6,115,680 [12]	wherein said log of predetermined events identifies character strings reflecting on-line activity	No construction is required for this term.	This term is indefinite because there is no antecedent basis for "said log of predetermined events."
18.	5,675,510 [9]	means for interpreting the logged machine operation events by reference to the dictionary file	**Function:** interpreting the logged machine operation events by reference to the dictionary file **Structure:** A processing system programmed to perform the recited function, as described in the specification sections cited below, and all structural equivalents of such processing system. **Specifications citations:** Col. 2, ll. 63-67; Col. 5, ll. 32-40; Col. 8, ll. 16-30; Col. 9, ll. 23-46.	**Function:** interpreting the logged machine operation events by reference to the dictionary file **Structure:** There is no corresponding structure disclosed in the patent specification.

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TABLE 2

CLAIM TERMS FROM U.S. PATENT NOS. 6,138,155 ("'155 PATENT") AND 6,763,386 ("'386 PATENT")

No.	Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
19.	6,138,155 [1, 2, 6-8, 29, 33, 38, 44]	executable program	computer program that can be run on a computer	A set of machine language instructions that constitute the output from the compilation of a source program.
20.	6,138,155 [1, 10, 33]	tracking program	computer readable code that monitors use of a computer	A timer program that calculates the amount of time that a user uses a resource.
21.	6,763,386 [3, 15]	the tracking program is embedded in the Web page	the tracking program is contained within or incorporated by reference in the Web page	The Web page contains a reference identifying the location of the tracking program and specifying parameters for the tracking program.
22.	6,138,155 [1, 33]	the executable program not being part of the resource	the executable program not contained within the resource	The executable program is neither contained within the resource nor incorporated in it by reference
23.	6,138,155 [1, 33]	monitor use of the resource	monitor use of the resource monitor: track, check, observe, detect or capture for a specific purpose	Keep track, over a period of time, of the use of a resource by a user once the resource has been downloaded to a personal computer.
24.	6,138,155 [1, 8, 9, 10, 18, 19, 21, 33, 38]; 6,763,386 [1, 4, 5, 11-13, 16, 17, 23, 24]	resource use data	information describing or derived from use of a resource	Information regarding the use of a resource over time.
25.	6,763,386 [6, 18]	monitoring input device events	monitoring operations performed using an input device	Keeping track over time of events on the client computer that are caused by a user's manipulation of an input device.

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No.	Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
26.	6,763,386 [10, 22]	monitoring details of choices made by a user of the first client using an input device of the first client	monitoring details of two or more choices made by a user of the user computer using an input device input device: a device which enables a user to input data into a computer	Keeping track over time of the choices made on a personal computer by a user through an external hardware input device.
27.	6,763,386 [1, 13]	monitor interaction through the client computer with at least one of the first resource and one or more second resources	monitor interaction through the user computer with a first or second resource	Keep track, over a period of time, of the actions taken on the personal computer by the user with respect to a first or second resource (e.g., one or more web pages) that have been downloaded to the personal computer.
28.	6,138,155 [1, 10, 33]	client identifying indicia	any information that can be used to associate data with a client	Information that uniquely identifies the client.
29.	6,138,155 [18]	comprises data representative of a plurality of preferences of a user	comprises information from which a user's preferences can be determined	Contains data that associates an identifiable user with two or more settings specified by the user.
30.	6,138,155 [19]	comprises data representative of a plurality of interests of a user	comprises information from which a user's interests can be determined	Contains data that associates an identifiable user with two or more subjects that a user is interested in learning about.
31.	6,763,386 [11, 23]	storing the resource use data in the client computer	placing the resource use data in memory or on a mass storage device of the client computer	Placing the information derived from the user's interaction with one or more resources a computer hard drive or other permanent storage device connected to the client computer.
32.	6,138,155 [1,33]	server	No construction is required for this term.	A uniquely addressable computer system on a network that responds to requests that are transmitted to it by other computer systems on the network.
33.	6,763,386 [9, 21]	downloading the tracking program from a second server of the one or more servers	downloading the tracking program from a server other than the first server	Downloading the tracking program from a different server than the server from which the first resource is downloaded.

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No.	Asserted U.S. Patent(s) Nos. and Claims	Term	NETRATINGS' PROPOSED CONSTRUCTION	WEBTRENDS' PROPOSED CONSTRUCTION
34.	6,138,155 [1, 33]	the first server and second server comprising two servers	the first server is a different machine than the second server	The server from which the executable program is downloaded is different from the server from which the resource to be monitored by the executable program has been downloaded. Server: A computer system on a network, specified by a URL, that provides resources for users to download.
35.	6,763,386 [1, 13]	downloading of the first resource causes the downloading of the tracking program	No construction is required for this term.	As a result of downloading the first resource into the client computer's memory, the client computer is instructed to issue a further request to download the tracking program
36.	6,763,386 [1, 13]	the one or more second resources having been obtained by the first client from a server of the one or more servers as a result of interaction through the first client with at least one of the first resource and a second resource of the one or more second resources	No construction is required for this term.	Any second resource must have been obtained by the first client computer as a result of the first client computer's downloading of, or other interaction with, the first resource
37.	6,763,386 [13]; [14-24]	"computer usable medium" [13] "computer readable media" [14-24]	one or more devices on which data may be stored in a form a computer can use or read	A single storage device on which computer readable data is stored.

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TABLE 3

CLAIM TERMS FROM U.S. PATENT NO. 6,108,637 ("'637 patent")

No.	Asserted U.S. Patent(s) Nos. and Claims	Element	NETRATINGS' DESIGNATION OF FUNCTION, STRUCTURE AND INTRINSIC EVIDENCE, WHERE APPLICABLE	WEBTRENDS' DESIGNATION OF FUNCTION, STRUCTURE
38.	6,108,637 [[11]; [28, 33]]	means for monitoring the change in time of a characteristic of a content display [11] means for monitoring the change in time of a characteristic of the content display [28, 33]	**Function:** monitoring the value of a characteristic of a content display at two or more times monitoring: tracking, checking, observing, detecting or capturing for a specific purpose characteristic of a content display: a characteristic of any sensory image produced by a device or a characteristic of data used to produce a sensory image on a device characteristic: a distinguishing attribute, element, trait, quality or property **Structure:** A set of computer instructions which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function using one or more of the methods disclosed in the specification sections cited below, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions. **Specification citations:** Col. 11, ll. 38-67; Col. 14, l. 1 - Col. 17, l. 5; Col. 17, ll. 39-55.	**Function:** Monitoring the change, over a period of time, in the appearance of a [the] content display. **Structure:** A Java applet operating on the client computer programmed to cause content to be displayed within a window and: either (i) periodically declare the window (or a portion thereof) as invalid and record the response of the operating system to a request to redraw the window (or a portion thereof); or (ii) record the position of the on-screen pointer in the window and when the on-screen pointer entered or exited the window through the Java HandleEvent method.
39.	6,108,637 [11, 33] [28]	means for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding display of the	**Function:** evaluating the value of a characteristic of the content display at two or more times to produce monitoring information [regarding whether or how the content is displayed] **Structure:** A set of computer instructions which can be	**Function:** Evaluating the change over a period of time in the appearance of a/the content display to produce monitoring information [regarding the display of content].

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element	NETRATINGS' DESIGNATION OF FUNCTION, STRUCTURE AND INTRINSIC EVIDENCE, WHERE APPLICABLE	WEBTRENDS' DESIGNATION OF FUNCTION, STRUCTURE
		content [11, 33] means for evaluating the change in time of the characteristic of the content display to produce monitoring information [28]	embodied in one or more computer programs, which cause one or more computer systems to perform the recited function using one or more of the methods disclosed in the specification sections cited below, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions. **Specification citations:** Col. 11, ll. 38-67; Col. 15, l. 64-Col. 16, l. 12; Col. 16, ll. 24-31, 38-42, 46-50; Col. 16, l. 63-Col. 17, l. 2.	**Structure:** No corresponding structure is disclosed. The limitation is indefinite.
40.	6,108,637 [30]; [18, 36]	means for monitoring the display of content to produce monitoring information regarding display of the content [30] means for monitoring display of the content to produce monitoring information regarding display of the content [18, 36]	**Function:** monitoring the display of content to produce monitoring information regarding whether or how the content is displayed **Structure:** A set of computer instructions which can be embodied in one or more computer programs, which cause one or more computer systems to perform the recited function using one or more of the methods disclosed in the specification sections cited below, and which can be implemented using any appropriate computer language, and all structural equivalents of such set of computer instructions. **Specification citations:** Col. 11, ll. 9-14, 38-67; Col. 13, ll. 17-21; Col. 13, ll. 35-40; Col. 14, l. 1 - Col. 18, l. 10; Col. 19, ll. 25-65; Col. 25, ll. 38-45.	**Function:** Monitoring the display of content to produce information about the display of content. **Structure:** A Java applet operating on a client computer programmed to cause content to be displayed in a window and which: (i) indicates that the applet has executed each time that the content is displayed; (ii) periodically declare the window (or a portion thereof) as invalid and record the response of the operating system to the request to redraw the window (or a portion thereof); or (iii) record the position of the on-screen pointer in the window and when the on-screen pointer entered or exited the window through the Java HandleEvent method; or (iv) ascertains, through time stamps, a predefined beginning and end of the execution of the applet's instructions for displaying the content.
41.	6,108,637 [18]	means for transferring the means for monitoring from the content provider site to the content display	**Function:** transferring the means for monitoring from the content provider site to the content display site in reply or reaction to the transfer of content from a content provider site	**Function:** Transferring the Java applet that provides the means for monitoring from the Web server to the user's computer as a consequence of the transfer of content from

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element	NETRATINGS' DESIGNATION OF FUNCTION, STRUCTURE AND INTRINSIC EVIDENCE, WHERE APPLICABLE	WEBTRENDS' DESIGNATION OF FUNCTION, STRUCTURE
		site in response to the transfer of content from a content provider site	**Structure:** A set of computer instructions implemented on a content provider site and a set of computer instructions implemented on a content display site which when executed at their respective sites perform the function using one or more of the methods disclosed in the specification sections cited below, linked by a communication network, and all structural equivalents of such sets of computer instructions and communication network. **Specification citations:** Col. 7, ll. 66 - Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58-65; Col. 11, l. 38-Col. 12, l. 39; Col. 23, ll. 1-9; Col. 22, ll. 2-24; Col. 25, ll. 13-27; Figs. 3A-3B, 5A-5C, 6A-6D.	a content provider site **Structure:** Java-enabled web browser software loaded with an HTML page that contains an HTML <APPLET> tag specifying the URL of the Java applet that provides the means for monitoring.
42.	6,108,637 [30]	means for transferring the means for monitoring from the content provider site to the content display site so that the means for monitoring operates at the content display site	**Function:** transferring the means for monitoring from the content provider site to the content display site so that the means for monitoring operates at the content display site **Structure:** A set of computer instructions implemented on a content provider site and a set of computer instructions implemented on a content display site which when executed at their respective sites perform the function using one or more of the methods disclosed in the specification sections cited below, linked by a communication network, and all structural equivalents of such sets of computer instructions and communication network. **Specification citations:** Col. 7, ll. 66 - Col. 8, ll. 5; Col. 8, ll. 29-37; Col. 10, ll. 58-65; Col. 11, l. 38-Col. 12, l. 39; Col. 23, ll. 1-9; Col. 22, ll. 2-24; Col. 25, ll. 13-27; Figs. 3A-3B, 5A-5C, 6A-6D.	**Function:** Transferring the Java applet that provides the means for monitoring from the Web server to the user's computer so that it executes automatically at the display site] **Structure:** Java-enabled web browser software loaded with an HTML page that contains an HTML <APPLET> tag specifying the URL of the Java applet that provides the means for monitoring.
43.	6,108,637 [20, 35]	means for transferring the monitoring information to a remote site that is part of the network	**Function:** transferring the monitoring information to a remote site that is part of the network **Structure:** A set of computer instructions implemented on a content display site and a set of computer instructions implemented on a remote site which	**Function:** Transferring the monitoring information generated by the Java applet to a remote site that is part of the network **Structure:** A Java applet operating on the client computer programmed to send

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			when executed at their respective sites perform the function using one or more of the methods disclosed in the specification sections cited below, linked by a communication network, and all structural equivalents of such sets of computer instructions and communication network. **Specification citations:** Col. 8, ll. 7-22; Col. 11, ll. 38-57; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 25, ll. 32-45; Fig. 3C.	monitoring information generated by the Java applet from the client computer to the content provider site by directly sending, to the content provider site, a URL, where it is either stored in a log file, or it is processed by a CGI script
44.	6,108,637 [36]	means for transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site	**Function:** transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site **Structure:** A set of computer instructions implemented on a content display site and a set of computer instructions implemented on a remote site, which when executed at their respective sites perform the function using one or more of the methods disclosed in the specification sections cited below, linked by a communication network and all structural equivalents of such sets of computer instructions and communication network. **Specification citations:** Col. 8, ll. 9-22; Col. 8, l. 50 - Col. 9, l. 7; Col. 11, ll. 38-57; Col. 19, l. 66-Col. 21, l. 6; Col. 23, ll. 1-9; Col. 25, ll. 32-45; Fig. 3C.	**Function:** Transferring the monitoring information from the content display site to a remote site of the network that is different from the content provider site **Structure:** This claim is indefinite because the specification does not disclose any structure that is capable of performing this function.
45.	6,108,637 [38, 39, 40]	means for storing monitoring information at the remote site [38, 39, 40] means for storing monitoring information at the remote site is adapted to enable storage of monitoring information regarding the display of a	**Portion of element subject to 35 U.S.C. 112(6):** means for storing monitoring information at the remote site **Function:** storing monitoring information at the remote site **Structure:** Any appropriate database on a computer system at the remote site as described in the specification sections cited below, and all structural equivalents of such	**Function:** Storing monitoring information [at a remote site] / [about the display of multiple different sets of content] / [about the display of content from the plurality of content provider sites]. **Structure:** A database or a log file.

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		plurality of sets of content [39] means for storing monitoring information at the remote site is adapted to enable storage of monitoring information regarding the display of content provided from the plurality of content provider sites [40]	database. **Specifications citations:** Col. 21, ll. 18-21; Col. 22, ll. 51-60; Col. 23, ll. 10-14.	
46.	6,108,637 [41]	means for accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that a user at the other site can interact with the monitoring information, but cannot modify the monitoring information	**Function:** accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that the user at the other site can interact with the monitoring information but cannot modify the monitoring information **Structure:** A set of computer instructions implemented on a computer system which when executed perform the function using one or more of the methods described in the specification sections cited below, and all structural equivalents of such set of computer instructions. **Specifications citations:** Col. 21, ll. 21-32; Col. 23, ll. 14-24; Col. 24, ll. 41-46.	**Function:** accessing the monitoring information stored at the remote site from a site on the network other than the remote site, such that the user at the other site can interact with the monitoring information but cannot modify the monitoring information **Structure:** This claim is indefinite. There is no corresponding structure clearly linked to the function in the specification.
47.	6,108,637 [57]	instructions for monitoring the change in time of a characteristic of a content display	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: monitoring the value of change in time of a	*See* No. 42.

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			characteristic of a content display at two or more times	
48.	6,108,637 [57, 62]	instructions for evaluating the change in time of the characteristic of the content display to produce monitoring information regarding the display of content	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for evaluating the value of a characteristic of the content display at two or more times to produce monitoring information regarding whether or how the content is displayed.	*See* No. 44.
49.	6,108,637 [59]	instructions for ascertaining the beginning of a display of content	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for ascertaining the beginning [end] of a display of content	**Function:** Ascertaining the beginning of a display of content on a screen **Structure:** A Java applet operating on the client computer that uses built-in Java functionality to record the time when it begins to [ends the] display content on the screen of a client computer.
50.	6,108,637 [59]	instructions for ascertaining the end of a display of the content	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for ascertaining the end of a display of the	**Function:** Ascertaining the end of a display of content on a screen **Structure:** A Java applet operating on the client computer that uses built-in Java functionality to record the time when it begins to [ends the] display content on the screen of a client computer.

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			content	
51.	6,108,637 [59]	instructions for monitoring the display of content, wherein: the instructions for monitoring begin executing when the beginning of a display of the content is ascertained; and the instructions for monitoring stop executing when the end of a display of the content is ascertained	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for monitoring display of the content wherein the instructions for monitoring begin executing when it is determined that the content is beginning to be displayed and stop executing when it is determined that the content is no longer being displayed	**Function:** Monitoring the display of content using instructions that begin executing when the beginning of a display of content is ascertained and continue executing until the end of the display of content is ascertained. **Structure:** A Java applet operating on a client computer programmed to cause content to be displayed in a window and which: (i) indicates that the applet has executed each time that the content is displayed; (ii) periodically declares the window (or a portion thereof) as invalid and record the response of the operating system to the request to redraw the window (or a portion thereof); or (iii) records the position of the on-screen pointer in the window and when the on-screen pointer entered or exited the window through the Java HandleEvent method; (iv) ascertains, through time stamps, a predefined beginning and end of the execution of the applet's instructions for displaying the content or (v) presents questions to the user and records answers to those questions.
52.	6,108,637 [64]	instructions for causing content to be displayed by the computer system	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element:	**Function:** Causing content to be displayed on the screen of the user's computer. **Structure:** A Java applet that is embedded in a Web page and that displays content within a web browser window

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CLAIM CONSTRUCTION CHART

No.	Asserted U.S. Patent(s) Nos. and Claims	Element	NETRATINGS' DESIGNATION OF FUNCTION, STRUCTURE AND INTRINSIC EVIDENCE, WHERE APPLICABLE	WEBTRENDS' DESIGNATION OF FUNCTION, STRUCTURE
			instructions for causing content to be displayed by the computer system	
53.	6,108,637 [64]	instructions for monitoring display of content by the computer system to produce monitoring information regarding the display of the content, wherein the monitoring instructions are integrated with the display instructions such that execution of the display instructions causes execution of the monitoring instructions	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends'inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for monitoring display of content by the computer system to produce monitoring information regarding whether or how the content is displayed, wherein the monitoring instructions are integrated with and execute as a result of the execution of the display instructions	**Function:** Executing a single program that both displays content and monitors user interaction with the displayed content. **Structure:** A Java applet operating on a client computer programmed to cause content to be displayed in a window and which: (i) indicates that the applet has executed each time that the content is displayed; (ii) periodically declares the window (or a portion thereof) as invalid and record the response of the operating system to the request to redraw the window (or a portion thereof); or (iii) records the position of the on-screen pointer in the window and when the on-screen pointer entered or exited the window through the Java HandleEvent method; (iv) ascertains, through time stamps, a predefined beginning and end of the execution of the applet's instructions for displaying the content or (v) presents questions to the user and records answers to those questions.
54.	6,108,637 [65]	instructions, adapted for use at the content display site, for monitoring display of content at the content display site to produce monitoring information regarding display of the content	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element:	**Function:** Monitoring the display of content on a user's computer to produce monitoring information about the display of content. **Structure:** A Java applet operating on a client computer programmed to cause content to be displayed in a window and which: (i) indicates that the applet has executed each time that the content is displayed; (ii) periodically declares the

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No.	Asserted U.S. Patent(s) Nos. and Claims	Element	NETRATINGS' DESIGNATION OF FUNCTION, STRUCTURE AND INTRINSIC EVIDENCE, WHERE APPLICABLE	WEBTRENDS' DESIGNATION OF FUNCTION, STRUCTURE
			instructions, adapted for use at the content display site, for monitoring display of content at the content display site, to produce monitoring information regarding whether and how the content is displayed	window (or a portion thereof) as invalid and record the response of the operating system to the request to redraw the window (or a portion thereof); or (iii) records the position of the on-screen pointer in the window and when the on-screen pointer entered or exited the window through the Java HandleEvent method; (iv) ascertains, through time stamps, a predefined beginning and end of the execution of the applet's instructions for displaying the content or (v) presents questions to the user and records answers to those questions.
55.	6,108,637 [65]	instructions for receiving monitoring information from the content display site	**This element is not subject to 35 U.S.C. 112(6).** NetRatings believes the words in the element have their ordinary meaning as would be understood by those of ordinary skill in the art at the time of the invention. However, in view of WebTrends' inaccurate description of the meaning of the element through its inappropriate identification of a "function," NetRatings provides the following construction for the element: instructions for receiving monitoring information from the content display site	**Function:** Receiving monitoring information from the client computer **Structure:** A Java applet operating on the client computer programmed to send monitoring information generated by the Java applet from the client computer to the content provider site by directly sending, to the content provider site, a URL, where it is either stored in a log file, or it is processed by a CGI script
56.	6,108,637 [57, 59, 62, 64, 65]	computer readable medium	one or more devices on which data may be stored in a form a computer can use or read	A single storage device on which computer readable data is stored